

Notice of Allowability

Application No.

09/884,829

Examiner

Michael P. Ferguson

Applicant(s)

VAN DEN BERG, KAREL

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08 October 2004 amendment, 22 December 2004 examiner's amendment.
2. ☒ The allowed claim(s) is/are 100-106 and 110-118.
3. ☒ The drawings filed on 19 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/22/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Penrose Lucas Albright on December 22, 2004.

The application has been amended as follows:

In claim 100, in line 3 before "vehicles, each of said vehicles being" inserted --unmanned--.

In claim 100, in line 5 after "for selectively positioning said vehicles" inserted -- ,
said geodetic positioning system comprising a computer for remotely
controlling said vehicles--.

In claim 101, in line 2 after "a plurality of" inserted --unmanned--.

In claim 101, in line 6 after "a computer that" inserted --remotely--.

In claim 101, in line 11 after "that said vehicles are" inserted --remotely--.

In claim 103, in line 2 after "each said vehicle a" deleted "batter" and replaced
with --battery--.

In claim 104, in line 2 after "element that includes at" deleted "lest one section
and a" and replaced with --least one section and an unmanned--.

In claim 104, in line 4 after "section of said demarcation element" inserted -- ,

Art Unit: 3679

said geodetic positioning system comprising a computer for remotely controlling said vehicle--.

In claim 104, in line 6 after "direction and said section" inserted -- ; wherein said section is adjustable in length, the apparatus further comprising winding means fitted to said vehicle for winding and unwinding said adjustable section, and a reference point which is connected to another end of said section, a further winding means being disposed at said reference point--.

Canceled claims 107-109.

In claim 110, in line 1 after "in accordance with Claim" deleted "109" and replaced with --104--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 100, Schulte (DE 42 15 714) discloses the claimed apparatus with the exception of comprising a vehicle including a geodetic positioning system for selectively positioning the vehicles, the geodetic positioning system comprising a computer for remotely controlling the vehicles.

As to claim 101, Schulte discloses the claimed system with the exception of comprising a computer that remotely controls each of the vehicles, and each of the vehicles having location determining means via a geodetic positioning system which cooperates with the computer for determining the position of each of the vehicles relative to the field, the computer being programmed so that the vehicles are remotely

Art Unit: 3679

controlled by the computer to move to predetermined locations at predetermined point of time according to a predetermined pattern.

As to claim 104, Schulte discloses the claimed apparatus with the exception of comprising a vehicle including a geodetic positioning system for selectively positioning the end of the section of the demarcation element, the geodetic positing system comprising a computer for remotely controlling the vehicle.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a system as disclosed by Schulte to have the above mentioned elements as the prior art neither teaches nor suggests such modifications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
12/22/04



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